

### **REMARKS**

Claims 1-20 are pending in the present application. Claims 1-8 have been amended. Claims 9-20 have been presented herewith.

### **Priority Under 35 U.S.C. 119**

A certified copy of Japanese Priority Application No. 2003-340161 has been filed concurrently herewith. **The Examiner is respectfully requested to acknowledge receipt of Japanese Priority Application No. 2003-340161, and to confirm that the Claim for Priority Under 35 U.S.C. 119 is complete in the present application.**

### **Claim Rejections-35 U.S.C. 102**

Claims 1-3 and 5-7 have been rejected under 35 U.S.C. 102(b) as being anticipated by the Weber et al. reference (U.S. Patent No. 6,242,789). This rejection is respectfully traversed for the following reasons.

The semiconductor device of claim 1 includes in combination a substrate; a first insulator layer; a first conductive layer; a second insulator layer "formed on the first conductive layer, the second insulator layer including a through hole having a substantially vertical side face"; a second conductive layer; a sidewall structure "formed on the side face of the through hole so that the sidewall structure gradually narrows the through hole"; and a fuse "formed of a conductive material that buries the narrowed through hole, said fuse having a lower end connected to the first conductive layer and

an upper end connected to the second conductive layer”.

Applicant respectfully submits that the fuse structure in Fig. 14 of the Weber et al. reference as relied upon by the Examiner does not include a side wall structure that gradually narrows the through hole, as featured in claim 1. The structure in the Weber et al. reference therefore does not enable the fuse to be set smaller than that of the through hole, to have a sectional area less than or equal to a dimensional limitation of the corresponding micro fabrication technique used to form a through hole, as in the present invention. Accordingly, Applicant respectfully submits that the semiconductor device of claim 1 distinguishes over the Weber et al. reference as relied upon by the Examiner, and that this rejection of claims 1-3 and 5-7 is improper for at least these reasons.

#### **Allowable Subject Matter**

Applicant respectfully notes the Examiner's acknowledgment that claims 4 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicant however respectfully submits that claims 4 and 8 distinguish over and would not have been obvious in view of the prior art as relied upon by the Examiner at least by virtue of dependency upon claim 1, and that amendment of claims 4 and 8 to be in independent form is thus unnecessary.

### **Claims 9-20**

The semiconductor device of claim 9 includes in combination a sidewall structure "formed on a side surface of the through hole so that the sidewall structure gradually narrows the through hole". The semiconductor device of claim 16 includes in combination a sidewall structure "formed in the through hole so that the through hole is gradually narrowed by the sidewall structure to expose the first conductive film". As emphasized above, the Weber et al. reference does not disclose a fuse structure including a sidewall structure that is gradually narrowed. Applicant therefore respectfully submits that claims 9-20 distinguish over and would not have been obvious in view of the prior art as relied upon by the Examiner for at least these reasons.

### **Conclusion**

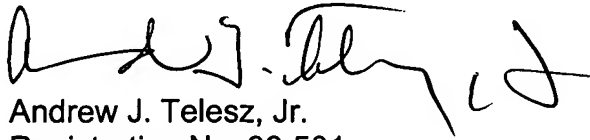
The Examiner is respectfully requested to reconsider and withdraw the corresponding rejection, and to pass the claims of the present application to issue, for at least the above reasons.

In the event that there are any outstanding matters remaining in the present application, please contact Andrew J. Telesz, Jr. (Reg. No. 33,581) at (703) 715-0870 in the Washington, D.C. area, to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment for any additional fees that may be required, or credit any overpayment, to Deposit Account No. 50-0238.

Respectfully submitted,

VOLENTINE FRANCO & WHITT, P.L.L.C.

A handwritten signature in black ink, appearing to read "Andrew J. Telesz, Jr.", with a stylized flourish at the end.

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